

EXHIBIT A

From: [Fleury, Jennifer](#)
To: [Sullivan, Luke](#); [Chingcuanco, Leonardo](#); [Moy, Jessica](#); [Lippard, Wade](#); [Mohr, Stephen A.](#); [Andrew, Jordan S.](#); [Seo, Michelle](#); [Lamar, Christopher](#); [Verbeck, Lily](#); [Bovee, Stephanie C.](#); [Yoon, John](#); [Chen, Qing Yu](#); [Powell, Steven](#); [Pasupula, Karthik](#)
Cc: [Mofo-PropelMedia@mofo.com](#); [Fiebig, Chantale](#); [kreinker@cgsh.com](#); [Perry, Mark](#); [Obaro, Bambo](#); [Wesneski, Josh](#); [rmukhi@cgsh.com](#); [Phelps, Tyler](#); [Nadratowski, Dan](#); [Harris, Evan M.](#); [Tulumello, Drew](#); [Kleinwaks, Jason](#); [lbrannon@cgsh.com](#); [cleroy@cgsh.com](#); [Moiseyev, Mike](#); [Malm, Larry](#); [Ryan, Liz](#); [AOkuliar@mofo.com](#)
Subject: RE: FTC v. IQVIA - Margolis Testimony
Date: Monday, November 13, 2023 10:12:50 AM

Luke:

You first raised this issue late last Thursday and demanded a meet and confer within 24 hours, on a holiday. We immediately began discussing what impact Defendants' proposal would have on the presentation of our evidence and the third-party witnesses who we are bringing to the hearing. We are inquiring as to the schedules of the actual third parties we had already slated for that day. We are available to meet and confer first thing tomorrow morning, after we ask those third parties what their other available options are, if any. We are happy to discuss week one scheduling with you at that time and work cooperatively on how to resolve scheduling issues. File a motion about this today if you wish, but it would be an outright misrepresentation to claim we are not willing to work with Defendants or that we are unwilling to meet and confer.

In short: Defendants continue to try to unilaterally dictate the schedule not only of the FTC's hearing presentation, but of the timing of our negotiations of the schedule for the hearing. As I said, we are willing to meet and confer tomorrow, after we discuss with third-party witnesses. Please respond as to Defendants' availability tomorrow.

Jenny

From: Sullivan, Luke <Luke.Sullivan@weil.com>
Sent: Monday, November 13, 2023 9:17 AM
To: Fleury, Jennifer <jfleury@ftc.gov>; Chingcuanco, Leonardo <lchingcuanco@ftc.gov>; Moy, Jessica <jmoy@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>
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Subject: RE: FTC v. IQVIA - Margolis Testimony

Counsel -

Defendants reached out to the FTC on Thursday evening regarding Mr. Margolis's availability, with the hope that the parties could work cooperatively to accommodate his scheduling issues—as both parties surely will have to do for other parties in the case. The FTC refused to meet and confer on Friday, and its response this morning – calling Defendants' request to accommodate a third party's schedule “highly inappropriate,” and refusing to meet and confer until tomorrow – makes it clear that the FTC is opposing Defendants' reasonable request for strategic reasons and is attempting to delay resolution of the issue.

Defendants will file a letter motion on this issue today. To answer your question on the reason for his unavailability, as we mentioned, Mr. Margolis is the CEO of a company called SPINS, and he is responsible for leading meetings with SPINS'-Board of Directors the week of November 27 in a different part of the country.

If the FTC will reconsider its position, please immediately let us know. The FTC's statement that it is “working on some scheduling constraints of our own” underscores the need for the parties to work cooperatively on scheduling issues. Defendants are willing to do that, but the FTC's response to our request regarding Mr. Margolis indicates the FTC is not.

Finally, on your comment on Mr. Margolis's deposition, Defendants did not adhere to the split time they were entitled to under the CMO and, instead, gave the FTC all the time it requested to depose Mr. Margolis.

Best,
Luke



Luke Sullivan

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From: Fleury, Jennifer <jfleury@ftc.gov>

Sent: Monday, November 13, 2023 8:42 AM

To: Sullivan, Luke <Luke.Sullivan@weil.com>; Chingcuanco, Leonardo <lchingcuanco@ftc.gov>; Moy, Jessica <jmoy@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>

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Subject: RE: FTC v. IQVIA - Margolis Testimony

Luke:

Defendants' request to have their client, Mr. Margolis, testify during the FTC's case-in-chief is highly inappropriate, especially at this late date. Your email of November 9, less than two weeks before the start of the hearing, fails to explain why party witness Mr. Margolis is unavailable on any day but November 22. Mr. Margolis was one of the handful of witnesses identified on Defendants' preliminary witness list and initial disclosures. Further, Weil attorneys spent approximately eight hours meeting with Mr. Margolis to show him documents and prepare him for his October 11 deposition (and then claimed it was a split time deposition). Defendants knew the relevance of Mr. Margolis's knowledge to their claims and defenses long before November 9. If Defendants believe that his live testimony to be integral to their defense, Defendants should have been working with Mr. Margolis to secure his availability during Defendants' portion of the PI hearing, which was set on August 3. In fact, since at least September 19, Defendants have been demanding that the FTC identify its likely trial witnesses, claiming that it "was necessary given the trial falling during a holiday[.]" Email from L. Sullivan to J. Fleury dated September 19, 2023. As a courtesy, the FTC provided a preliminary list of party witnesses almost a month ago for the first week of trial and Defendants responded with availability. The FTC should not be forced to interrupt the presentation of our evidence to accommodate live testimony from Defendants' client simply because Defendants failed to abide their own demand to work with their own likely trial witnesses on scheduling sufficiently in advance of the hearing.

We are willing to meet and confer on this issue, though we expect Defendants to come to that meet and confer with more than a blanket assertion at this late date of Mr. Margolis' unavailability on any other day. Why is Mr. Margolis unavailable during Defendants' portion of the hearing? We are working on some scheduling constraints of our own related to the lone date you indicated for Mr. Margolis – we hope to get more information on that today, and can have a more productive discussion with that information in hand. We are available to meet and confer tomorrow before 10 AM ET or after 2 PM ET – please let us know which of those options works best for Defendants.

Regards,
Jenny

From: Sullivan, Luke <Luke.Sullivan@weil.com>

Sent: Sunday, November 12, 2023 7:38 PM

To: Chingcuanco, Leonardo <lchingcuanco@ftc.gov>; Moy, Jessica <jmoy@ftc.gov>; Fleury, Jennifer <jfleury@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>

Cc: Mofo-PropelMedia@mofo.com; ChantaleFiebig-contact <Chantale.Fiebig@weil.com>; kreinker@cgsh.com; Perry, Mark <Mark.Perry@weil.com>; Obaro, Bambo <Bambo.Obaro@weil.com>; Wesneski, Josh <Joshua.Wesneski@weil.com>; rmukhi@cgsh.com; Phelps, Tyler <Tyler.Phelps@weil.com>; Nadratowski, Dan <Daniel.Nadratowski@weil.com>; Harris, Evan M. <EHarris@mofo.com>; Tulumello, Drew <Drew.Tulumello@weil.com>; Kleinwaks, Jason <Jason.Kleinwaks@weil.com>; lbrannon@cgsh.com; cleroy@cgsh.com; MichaelMoiseyev-contact <Michael.Moiseyev@weil.com>; Malm, Larry <lmalm@cgsh.com>; Ryan, Liz <Liz.Ryan@weil.com>; AOkuliar@mofo.com

Subject: RE: FTC v. IQVIA - Margolis Testimony

Counsel –

I am following up on Defendants' email below regarding Jay Margolis's availability. On Friday, you stated the FTC could not meet and confer on this issue because it was a federal holiday. We are available to confer on Monday morning, from 10:00 AM ET to 12:00 PM ET. If a window in that block works for you, I can send an invitation.

Best,
Luke



Luke Sullivan

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From: Chingcuanco, Leonardo <lchingcuanco@ftc.gov>

Sent: Friday, November 10, 2023 9:57 AM

To: Sullivan, Luke <Luke.Sullivan@weil.com>; Moy, Jessica <jmoy@ftc.gov>; Fleury, Jennifer <jfleury@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>

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Subject: RE: FTC v. IQVIA - Margolis Testimony

Luke: As Defendants raised Mr. Margolis for the first time yesterday at 8:35pm ET, relevant individuals are not available to discuss this last-minute issue on a federal holiday. We do not agree to include it in the joint statement.

As we discussed yesterday, if a quick discussion would be helpful to iron out any further details regarding video deposition designations, we can be available at 10:30am ET to discuss that before filing if needed.

Otherwise, we are prepared to exchange drafts based on the template we circulated yesterday, with one correction: my transmittal email said that we had deleted the 24-hour notice for removing designations from the shell, but that sentence was inadvertently left in. The version we exchange at 2p ET, with our sections, will have that sentence removed in track changes.

Best,
Leo

From: Sullivan, Luke <Luke.Sullivan@weil.com>

Sent: Friday, November 10, 2023 9:13 AM

To: Chingcuanco, Leonardo <lchingcuanco@ftc.gov>; Moy, Jessica <jmoy@ftc.gov>; Fleury, Jennifer <jfleury@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>

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Subject: RE: FTC v. IQVIA - Margolis Testimony

Hi Leo –

Defendants are happy to meet and confer this morning, which we discussed yesterday. We are available at 9:30 and between 10:30 and 12. Please let us know when in that window works for you and we will send a calendar invitation.

Best,
Luke



Luke Sullivan

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From: Chingcuanco, Leonardo <lchingcuanco@ftc.gov>

Sent: Friday, November 10, 2023 7:46 AM

To: Sullivan, Luke <Luke.Sullivan@weil.com>; Moy, Jessica <jmoy@ftc.gov>; Fleury, Jennifer <jfleury@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>

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Subject: RE: FTC v. IQVIA - Margolis Testimony

Counsel: You raised this issue for the first time last night, and the parties have not met and conferred on it. This issue is premature for the Court's consideration, and we do not agree to include it in the joint statement.

Defendants cannot unilaterally insert new issues at the 11th hour. If you want to tee up this issue for the Court today, you will have to do so by motion and without any representation that you have given us adequate notice or an opportunity to meet and confer.

Best,
Leo

From: Sullivan, Luke <Luke.Sullivan@weil.com>

Sent: Thursday, November 9, 2023 8:35 PM

To: Chingcuanco, Leonardo <lchingcuanco@ftc.gov>; Moy, Jessica <jmoy@ftc.gov>; Fleury, Jennifer <jfleury@ftc.gov>; Lippard, Wade <wlippard@ftc.gov>; Mohr, Stephen A. <smohr@ftc.gov>; Andrew, Jordan S. <jandrew@ftc.gov>; Seo, Michelle <mseo@ftc.gov>; Lamar, Christopher <clamar@ftc.gov>; Verbeck, Lily <lverbeck@ftc.gov>; Bovee, Stephanie C. <SBOVEE@ftc.gov>; Yoon, John <jyoon2@ftc.gov>; Chen, Qing Yu <qchen@ftc.gov>; Powell, Steven <spowell1@ftc.gov>; Pasupula, Karthik <kpasupula@ftc.gov>

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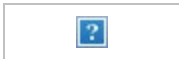
Subject: FTC v. IQVIA - Margolis Testimony

Counsel –

I am writing regarding Jay Margolis's testimony. As you know, Mr. Margolis is a non-party in this litigation since he is no longer an IQVIA employee. Rather, he currently serves as the CEO of SPINS. He is unavailable to testify the week of November 27, and the only day he is available to testify is Wednesday, November 22.

Defendants thus request that the FTC agree Mr. Margolis can testify beginning first thing on Wednesday morning. Please let us know if that works for the FTC. If not, Defendants can add this issue to the joint statement we are submitting tomorrow.

Best,
Luke



Luke Sullivan

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